

Message

From: Fotouhi, David [Fotouhi.David@epa.gov]
Sent: 7/2/2020 10:46:38 AM
To: Wildeman, Anna [wildeman.anna@epa.gov]; Ross, David P [ross.davidp@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Subject: Fwd: Review Draft: Draft R10 Letter to Oregon State agencies re: Umatilla Nitrates
Attachments: EPA Umatilla ltr to ODA OHA ODEQ_06 24 R10 _redline_DF (002).docx; ATT00001.htm

In light of Chris's email from yesterday, I'm recirculating the draft with my edits and suggestions tracked on top of Anna's redline. I don't have anything further on this.

Sent from my iPhone

Begin forwarded message:

From: "Fotouhi, David" <Fotouhi.David@epa.gov>
Date: June 25, 2020 at 2:47:00 PM EDT
To: "Wildeman, Anna" <wildeman.anna@epa.gov>, "Ross, David P" <ross.davidp@epa.gov>, "Bodine, Susan" <bodine.susan@epa.gov>
Cc: "Leopold, Matt (OGC)" <Leopold.Matt@epa.gov>
Subject: RE: Review Draft: Draft R10 Letter to Oregon State agencies re: Umatilla Nitrates

A few suggestions from me are tracked in the attached draft.

David Fotouhi

Principal Deputy General Counsel
Office of General Counsel
U.S. Environmental Protection Agency
Tel: +1 202.564.1976
fotouhi.david@epa.gov

From: Fotouhi, David
Sent: Thursday, June 25, 2020 1:08 PM
To: Wildeman, Anna <wildeman.anna@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>
Cc: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: RE: Review Draft: Draft R10 Letter to Oregon State agencies re: Umatilla Nitrates

I may have a few suggested tweaks to the edits in this draft

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

I'll send

around some suggested tweaks later this afternoon. Here's the relevant provision highlighted in yellow:

(a)

Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

David Fotouhi

Principal Deputy General Counsel
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From: Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Sent: Thursday, June 25, 2020 12:50 PM
To: Wildeman, Anna <wildeman.anna@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>
Subject: RE: Review Draft: Draft R10 Letter to Oregon State agencies re: Umatilla Nitrates

Thanks. I got a look at the letter. Defer to you all as this is a policy call.

Matthew Z. Leopold

General Counsel
U.S. Environmental Protection Agency
Office: (202) 564-8040
Cell: (202) 594-7437

From: Wildeman, Anna <wildeman.anna@epa.gov>
Sent: Thursday, June 25, 2020 8:52 AM
To: Fotouhi, David <Fotouhi.David@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: RE: Review Draft: Draft R10 Letter to Oregon State agencies re: Umatilla Nitrates

Sorry about that. Will do going forward.

From: Fotouhi, David <Fotouhi.David@epa.gov>
Sent: Thursday, June 25, 2020 8:51 AM
To: Wildeman, Anna <wildeman.anna@epa.gov>; Ross, David P <ross.davidp@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>
Subject: RE: Review Draft: Draft R10 Letter to Oregon State agencies re: Umatilla Nitrates

Looping in Matt; please copy him on further replies. I will take a look at this draft. Thanks!

David Fotouhi

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From: Wildeman, Anna <wildeman.anna@epa.gov>
Sent: Thursday, June 25, 2020 8:42 AM
To: Ross, David P <ross.davidp@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: RE: Review Draft: Draft R10 Letter to Oregon State agencies re: Umatilla Nitrates

Folks, attached is a redline of the revised R10 letter. It is a heavy redline so I'm sending in simple markup. Feel free to add/refine for polishing. No pride of authorship here.

Thanks,
Anna

From: Ross, David P <ross.davidp@epa.gov>
Sent: Wednesday, June 24, 2020 10:34 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: RE: Review Draft: Draft R10 Letter to Oregon State agencies re: Umatilla Nitrates

Anna is sending some streamlining edits. And yes, I agree that future 1431 movement needs HQ engagement. The last briefing was too far out of factual alignment with the first draft of the letter, which means HQ engagement has to continue.

Regards,

Dave

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Tuesday, June 23, 2020 3:56 PM
To: Ross, David P <ross.davidp@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Subject: FW: Review Draft: Draft R10 Letter to Oregon State agencies re: Umatilla Nitrates

I am willing to go along with this version but will also send the message that any movement towards a 1431 needs to be briefed to HQ.

Do you agree?

Susan

From: Hladick, Christopher <hladick.christopher@epa.gov>
Sent: Monday, June 22, 2020 12:26 PM
To: Ross, David P <ross.davidp@epa.gov>; Wildeman, Anna <wildeman.anna@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>
Cc: Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>
Subject: Review Draft: Draft R10 Letter to Oregon State agencies re: Umatilla Nitrates

Dave, Anna, Susan and David,

Following the awareness briefing Region 10 staff provided to OW and OECA on June 4, 2020, we are transmitting a revised draft letter for your review.

As discussed, this letter clarifies the focus of EPA's inquiry in response to the SDWA 1431 petition from Food and Water Watch. We added additional information describing our review to date & acknowledge the State's existing efforts for additional context. We have emphasized EPA's willingness to assist the state in this matter. This letter and the state's response will provide additional information for EPA to respond to the Petitioner, which Region 10 committed to do in our receipt acknowledgement letter to the Petitioner dated January 29, 2020.

Please have your staff contact Jeff Kenknight or CAPT Matt Martinson here in Region 10 with any comments you have, or contact me if you wish to discuss any issues. We hope to send this letter within the next few weeks as we continue our evaluation of the petition.

Thanks for your attention to this matter.

Chris